

REMARKS

The pending Office Action addresses claims 1-8, 10-15, and 17-30, rejecting claims 1-5, 10, 11, 13, 15, 17-23, 25, and 30, and objecting to claims 6-8, 12, 14, 24, and 26-29.

Amendments to the Claims

Applicants amend independent claim 30 to correct a typographical error. No new matter is added.

Rejection Pursuant to 35 U.S.C. §102

The Examiner rejects claims 1-8, 10-15, and 17-30 pursuant to 35 U.S.C. §102(b) as being anticipated by U.S. Patent 3,320,832 to Jensen (“Jensen”). Applicants respectfully disagree.

Claims 1-8, 10-14, and 30

Independent claims 1 and 30 similarly recite a surgical drill assembly of a guide tool having an elongate shaft, an elongate hollow sleeve slidably disposed around at least a portion of the elongate shaft, and a stop member disposed around a proximal portion of the elongate shaft. A distal end of the elongate shaft has a bone preparation element formed thereon. The stop member is adjustable to mate to the elongate shaft at a plurality of predetermined fixed positions along a length of the elongate shaft, and it is effective to abut the hollow sleeve to limit penetration of the distal end of the elongate shaft into bone.

Jensen does not teach or even suggest an elongate shaft having a bone preparation element formed on a distal end thereof, as required by independent claims 1 and 30. As shown in Figure 1, Jensen discloses a drilling tool having an actuating spindle (1) with a bit holding collet (19) mounted at a lower end thereof. The Examiner asserts that the spindle (1) and the drill bit (20) are equivalent to the elongate shaft of the claimed invention. However, claims 1 and 30 require the elongate shaft to have a bone preparation element formed on a distal end thereof. As explained by Jensen, the collet (19) disposed at the distal end of the spindle (1) *releasably carries* the drill bit (20). (Jensen Col. 2, lines 56-59). The drill bit (20) is not formed on the spindle (1). Thus, Jensen fails to teach or even

suggest the claimed invention.

Jensen also fails to teach or suggest a stop member that is adjustable to mate to the elongate shaft at a plurality of positions. The Examiner asserts that the stop nut (7) acts as a stop member to limit penetration of the drill. However, as explained at Col. 2, lines 16-19 of Jensen, the stop nut (7) is threaded onto a *stem (4) disposed around the spindle (1)* – not the spindle. Thus, the stop nut (7) does not *mate* to the elongate shaft, as required by claims 1 and 30. Accordingly, independent claims 1 and 30, as well as claims 2-8 and 10-14 which depend directly or indirectly therefrom, distinguish over Jensen and represent allowable subject matter.

Claims 15 and 17-29

Independent claim 15 recites a surgical drill guide kit including a drill guide member, an elongate shaft, and an elongate hollow sleeve disposed around at least a portion of the elongate shaft. The drill guide member has at least one lumen formed therein, and the sleeve has a distal portion that is adapted to fit within the at least one lumen in the drill guide member.

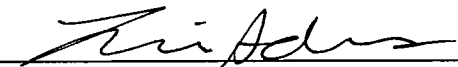
Jensen does not teach or even suggest a drill guide member having a lumen, and a sleeve having a distal portion that is adapted to fit within the lumen of the drill guide member, as required by independent claim 15. The Examiner asserts that drill bit guide (17) of Jensen is equivalent to the drill guide member recited in claim 15. However, as explained by Jensen at Col. 2, lines 47-50, bit guide (17) *fits within* a tubular casing (14) that is disposed at the distal end of the housing (2) of the drilling tool. It does not have a lumen that receives a distal portion of the housing (2). In other words, Jensen teaches a guide (17) that fits within the housing (2), whereas the claimed invention requires the opposite – a sleeve that fits within a guide. Accordingly, independent claim 15, as well as claims 17-29 which depend directly or indirectly therefrom, distinguish over Jensen and represent allowable subject matter.

Conclusion

In conclusion, Applicants submit that all pending claims are now in condition for allowance, and allowance thereof is respectfully requested. The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

Respectfully submitted,

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